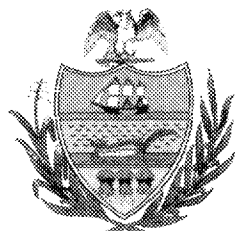


COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

November 13, 2017

RECEIVED

NOV 23 2017

Air Protection Division

Ms. Cristina Fernandez, Director
Air Protection Division
U.S. Environmental Protection Agency
Region III (3AP00)
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Request of Delegation of Authority to Implement the Federal SSI Plan

Dear Ms. Fernandez:

Regarding the "Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010," found at 40 CFR Part 62, Subpart LLL, promulgated on April 29, 2016 pursuant to §§111(d) and 129 of the Clean Air Act for purposes of implementing the emission guidelines at 40 CFR Part 60, Subpart MMMM, the Allegheny County Health Department (ACHD) requests full delegation to Allegheny County of authority to implement the Federal plan.

An attachment is enclosed demonstrating that the ACHD has adequate resources as well as the legal and enforcement authority to administer and enforce the Federal SSI plan. Emission inventory information is also included in the attachment for the existing facility in Allegheny County affected by the Federal plan.

Based on the information in the attachment, ACHD requests that the EPA approve the §§111(d) and 129 request for delegation of authority for sewage sludge incineration units in Allegheny County.

Note that ACHD does not have an existing SSI 111(d)/129 plan, and, therefore, does not need to request the EPA to withdraw an existing Allegheny County SSI plan if the EPA approves this request for delegation of the Federal SSI Plan promulgated on April 29, 2016.

ALLEGHENY COUNTY HEALTH DEPARTMENT • AIR QUALITY PROGRAM
301 39TH STREET BUILDING #7 • PITTSBURGH, PA 15201-1811
PHONE (412) 578-8103 • FAX (412) 578-8144

ED_006276_00000909-00001

If you have any questions or require additional information, please contact Thomas Lattner.

Sincerely,



Sandra Etzel, Manager
Planning & Data Analysis Section

cc: Jayme Graham, Program Manager, ACHD
Kirit Dalal (Pa DEP)
Stephen Hepler (Pa DEP)

Attachment

ALLEGHENY COUNTY HEALTH DEPARTMENT

**Request for Delegation of Authority
to Implement the
Federal Plan for Sewage Sludge Incineration (SSI) Units
(Tracking No. 85)**

Board of Health Approved
at November 1, 2017 Meeting

via review and recommendation by:

the Regulation Subcommittee
on October 10, 2017

the Air Advisory Committee
on October 16, 2017

(Tracking No. 85)

SUBMITTAL CONTENTS

Letter (see Cover) to the U.S. EPA requesting delegation of authority to implement the Federal Plan for Sewage Sludge Incineration (SSI) Units

- A. Attachment to the letter demonstrating how the federal plan delegation request requirements of 40 CFR 62.15865(a) are satisfied by ACHD.
- B. Documentation of Public Hearing and Certifications
 - 1. Public Hearing Notice
 - 2. Proof of Publication of Hearing
 - 3. Notices to US EPA and PA DEP
 - 4. Certification of Hearing
 - 5. Summary of Comments and Responses

A. Attachment to Letter

I. Background

Section 129 of the Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to establish performance standards for sewage sludge incinerators pursuant to section 111 of the Act. On March 21, 2011, the EPA promulgated New Source Performance Standards (NSPS) for "new" SSI units and Emission Guidelines (EG) for "existing" SSI units. The NSPS are directly enforceable Federal regulations. EG, on the other hand, promulgated under section 111(d) of the CAA, establish criteria for state and local agencies to develop control strategies for "existing" SSI units. The EG are not themselves directly enforceable. Instead, states must submit to the EPA a Plan to implement and enforce the requirements of the EG.

If states fail to submit such plans, the EPA is required to develop, implement and enforce a Federal plan for SSI units located in any states that have not submitted an approvable plan. Several states and local agencies, including Allegheny County, have not submitted state 111(d) plans for their SSI units. Therefore, on April 29, 2016 (81FR26040), the EPA promulgated "Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010," found at 40 CFR Part 62, Subpart LLL, ensuring implementation and enforcement of the EG until such states submit approvable plans.

As an alternative to submitting a state plan, 40 CFR 62.15865 allows that a state may also meet its CAA section 111(d)/129 obligations by submitting an acceptable written request for delegation of authority of the federal plan. This is the approach being taken by Allegheny County in submitting this request for delegation of authority to implement and enforce the Federal SSI Plan of 40 CFR 62, Subpart LLL.

§ 62.15865(a) stipulates that an acceptable federal plan delegation request must include the following:

- (1) A demonstration of adequate resources and legal authority to administer and enforce the federal plan.
- (2) The items under § 60.5015(a)(1), (2), and (7) of this chapter. Which are:
 - Inventory of affected SSI units;
 - Inventory of emissions from affected SSI units;
 - Provision for state progress reports to EPA.
- (3) Certification that the hearing on the state delegation request, similar to the hearing for a state plan submittal, was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission.
- (4) A commitment to enter into a Memorandum of Agreement with the Regional Administrator who sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority. Additional guidance and information is given in the EPA's "Delegations Manual, Item 7-139, Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) federal plans."

What follows is a demonstration that Allegheny County meets these requirements.

II. Demonstration of Adequate Resources

The following paragraph demonstrates that the County has adequate resources to administer the program as required by 81 FR 26060 (April 29, 2016).

The Allegheny County Health Department will be the implementing agency, and its Air Quality Program will be assigned to implement and enforce the requirements of 40 CFR Part 62, Subpart LLL. There are approximately fifty (50) employees in the Air Quality Program, including a deputy director, program manager, administrators, chemical engineers, civil engineers, electrical engineers, chemists, technicians, inspectors, and clerical staff. Within the Engineering and Enforcement Sections, there are approximately twenty (20) employees with work duties focusing on permitting and enforcement. Personnel experience is an integration of permitting, chemical plant and refining operations, metal processing, industrial and environmental process control, industrial hygiene and toxicology, and hazards analysis. The Air Quality Program also includes planning, process auditing, personnel training, field inspections, analytical techniques, environmental monitoring, data analysis, and asbestos remediation.

III. Demonstration of the County's Legal Authority to Administer and Enforce the Federal SSI Plan

The following paragraphs demonstrate that the County has the legal and enforcement authority to enforce the program as required by 81 FR 26060 (April 29, 2016), and the legal authority to carry out the plan as required by 40 CFR §60.26, Legal Authority.

The Allegheny County Health Department has the authority to make regulations, if necessary, and enforce regulations to implement this plan through the following authority: Pennsylvania Air Pollution Control Act, 1960, Jan. 8, P.L. (1959) 2119, as last amended 1992, July 9, P.L. 460, No. 95, 35 P.S.; Local Health Administration Law, 1951, Aug. 24, P.L. 1304, as last amended 1990, Dec. 17, P.L. 717, No. 179, 16 P.S.; Second Class County Code, 1953, July 28, P.L. 723, as amended 1977, Dec. 1, P.L. 234, No. 74, 16 P.S.; Rules and Regulations of the Allegheny County Health Department, Article XXI, Air Pollution Control, County Ordinance 16782, as adopted March 15, 1995, and September 6, 1995, by the Allegheny County Board of Health, effective October 10, 1995.

The Department has sufficient statutory and regulatory authority under its installation permit and operating permit programs to implement the Plan. The Department is authorized to revise any permit to incorporate applicable standards and regulations promulgated under the CAA after issuance of such permit. Section 2109 of Article XXI authorizes the Department to issue enforcement orders to aid in the enforcement of the provisions of the Act or its implementing regulations. Such orders may include orders to cease unlawful activities and to take corrective action. The Department also has the authority for modifying, suspending, terminating, or revoking an installation permit or an operating permit. In accordance with Article XXI §2103.10.b, no SSI unit is allowed to operate in Allegheny County without an operating permit; the revoking of a permit is the same as shutting down a source. Thus, this Plan satisfies the requirements of section 129(f)(3) of the CAA, which prohibits a plant from operating if it does not comply with the standard.

The County may obtain information necessary to determine compliance with the 111(d)/129 Plan. Section 2108.01.f provides that the source must provide whatever information the Department requires for the assessment of an actual or potential contribution of the source to air quality. The County makes these and all other information available for inspection by the public, excepting that which would disclose methods or processes protected as trade secrets, under the laws of the United States. Section 2101.07.d of Article XXI explains this availability of data, and this includes all emission records.

In accordance with section 2109.01 of Article XXI, a source shall allow the Department access to such facilities to inspect, at reasonable times, facilities and equipment including monitoring and air pollution control equipment. The Department also has authority under section 2108.02.d to conduct emissions testing on any source or air pollution control equipment.

In accordance with Article XXI sections 2108.03.c & d, and 2108.04, the Department has authority to require owners or operators to install and operate emissions monitoring equipment and to submit periodic reports of the data to the Department.

IV. Inventory of Sources and Emissions

The only two SSI units in Allegheny County that are subject to this Federal Plan are the two ALCOSAN Fluidized Bed Sewage Sludge Incinerators. One incinerator operates at time with the other incinerator operating in standby mode. Table 1 provides the inventory of emissions along with the 40 CFR §62.16050 Table 2 SSI Federal Plan emission limits.

The Table 1 emissions inventory values, for all pollutants, except the value for cadmium from FB1, result from source performance testing conducted in March 2016 as described in Test Report 15-125-079, dated May 4, 2016. The value for cadmium from FB1 results from source performance retesting conducted on August 31, 2016 for cadmium only, as described in Test Report dated September 26, 2016.

Table 1: Inventory of Emissions from Affected Source (ALCOSAN Fluidized Bed Sewage Sludge Incinerators 1 and 2)

Pollutant	FBI 1	FBI 2	Federal Plan Limit
Particulate Matter	3.3 mg/dscm @ 7%O ₂	2.0 mg/dscm @ 7%O ₂	18 mg/dscm @ 7%O ₂
Hydrogen Chloride	0.15 ppmvd @ 7%O ₂	0.46 ppmvd @ 7%O ₂	0.51 ppmvd @ 7%O ₂
Carbon Monoxide	3.7 ppmvd @ 7%O ₂	2.6 ppmvd @ 7%O ₂	64 ppmvd @ 7%O ₂
Dioxins/Furans (Toxic Equivalency Basis)	0.002 ng/dscm @ 7%O ₂	0.002 ng/dscm @ 7%O ₂	0.10 ng/dscm @ 7%O ₂
Mercury	0.020 mg/dscm @ 7%O ₂	0.016 mg/dscm @ 7%O ₂	0.037 mg/dscm @ 7%O ₂
Oxides of Nitrogen	10.6 ppmvd @ 7%O ₂	25.4 ppmvd @ 7%O ₂	150 ppmvd @ 7%O ₂
Sulfur Dioxide	0.9 ppmvd @ 7%O ₂	1.2 ppmvd @ 7%O ₂	15 ppmvd @ 7%O ₂
Cadmium	0.0003 mg/dscm @ 7%O ₂ (from 8/31/2016 retest)	0.0003 mg/dscm @ 7%O ₂	0.0016 mg/dscm @ 7%O ₂
Lead	0.0005 mg/dscm @ 7%O ₂	0.0001 mg/dscm @ 7%O ₂	0.0074 mg/dscm @ 7%O ₂
Fugitive Emissions from Ash Handling	zero	zero	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of any compliance test hourly observation period

V. Provision for Progress Reports to the EPA

If progress reports are needed to be submitted to the EPA, the Allegheny County Health Department's Air Quality Program will work with the EPA to provide such reports.

VI. Certification of Hearing

A public hearing was conducted on August 25, 2017. The hearing was held in accordance with the requirements of 40 CFR Part §60.23.

VII. Memorandum of Agreement

The Allegheny County Health Department commits to enter into a Memorandum of Agreement with the Regional Administrator who sets forth the terms, conditions, and effective date of delegation. This serves as the mechanism for the transfer of authority.

B. Documentation of Public Hearing and Certifications

1. Public Hearing Notice
2. Proof of Publication of Hearing
3. Notices to U.S. EPA and PA DEP
4. Certification of Hearing
5. Summary of Comments and Responses

NOTICE OF PUBLIC HEARING
ON
PROPOSED REQUEST FOR DELEGATION OF AUTHORITY TO IMPLEMENT
THE FEDERAL PLAN FOR SEWAGE SLUDGE INCINERATION (SSI) UNITS

The Allegheny County Board of Health will hold a public hearing on **Friday, August 25, 2017, at 10:00 AM**, in the First-Floor Conference Room at Building #7 of the Clack Health Center, 301 39th Street, Pittsburgh, PA 15201 to take testimony on the Request for Delegation of Authority to implement the Federal Plan for SSI Units.

Copies of the proposed Delegation Request may be examined beginning Wednesday July 26, 2017, at the Allegheny County Health Department Document Control Room, Building 7, Clack Health Center, from 8:30 AM until 3:30 PM Monday thru Friday; on the Allegheny County Health Department web site: www.achd.net ; or by calling 412-578-8120 to request a mailed printed copy.

Oral testimony must be pre-scheduled by calling 412-578-8120 no less than 24 hours in advance of the public hearing. Speakers will be limited to five minutes and should bring a written copy of their comments.

The Board will accept written testimony beginning **Wednesday July 26, 2017**, and concluding **Wednesday, August 30, 2017**, by mail to:

Allegheny County Health Department
301 39th Street
Pittsburgh, PA 15201-1891
By email to AQ.Comments@AlleghenyCounty.US
By Fax to 412-578-8144

No. _____ Term, _____

Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss K. Flaherty, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

24 of July, 2017

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

K. Flaherty
PG Publishing Company
Sworn to and subscribed before me this day of:
July 24, 2017

Linda M. Gaertner
COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Linda M. Gaertner, Notary Public
Findlay Twp., Allegheny County
My Commission Expires Jan. 31, 2019
MEMBER PENNSYLVANIA ASSOCIATION OF NOTARIES

STATEMENT OF ADVERTISING COSTS
ALLEGHENY COUNTY HEALTH DEPT-LEG
542 4TH AVENUE
PITTSBURGH PA 15219

To PG Publishing Company

Total \$64.05

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
2201 Sweeney Drive
CLINTON, PA 15026
Phone 412-263-1338

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

Attorney Fee

COPY OF NOTICE OR PUBLICATION

NOTICE OF PUBLIC
HEARINGS ON PROPOSED
REQUEST FOR
DELEGATION OF
AUTHORITY TO
IMPLEMENT THE FEDERAL
PLAN FOR SEWAGE
SLUDGE INCINERATION
CUSH UNITS
The Allegheny County
Board of Health will hold a
public hearing on Friday,
August 25, 2017, at 10:00
A.M. in the First-Flour
Conference Room at
Building #7 of the Clark
Health Center, 301 30th
Street, Pittsburgh, PA
15201 to take testimony
on the Request for Delegation
of Authority to implement
the Federal Plan for the
CUSH Units.

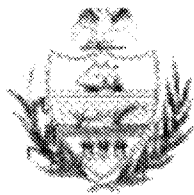
Copies of the proposed
Delegation Request may be
examined beginning
Wednesday, July 26, 2017,
at the Allegheny County
Health Department Document
Control Room,
Building 7, Clark Health
Center, from 8:30 A.M. to
1:30 P.M. Monday through
Friday, on the Allegheny
County Health Department
web site, www.achd.net,
or by calling 412-578-8120
to request a mailed printed
copy.

Oral testimony must be
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Wednesday, August 30,
2017, by mail to:

Allegheny County Health
Department, 301 30th
Street, Pittsburgh, PA
15201-1071. By email to:
achd.comments@alleghenycounty110.org
Fax to 412-578-6164

COUNTY OF



ALLEGHENY

RICH FITZGERALD
County Executive

July 26, 2017

Ms. Christina Fernandez, Director
Air Protection Division
Region III (3AP00)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Ms. Fernandez:

Enclosed is the Allegheny County Health Department's proposed Request for Delegation of Authority to Implement the Federal Plan for Sewage Sludge Incineration (SSI) Units, and a Notice of Public Hearing on same.

This Request for Delegation is being tracked internally under our Revision Tracking Number 85.

The public comment period begins July 26, 2017 and concludes August 30, 2017. The public hearing will be held August 25, 2017. Your comments are welcome.

Sincerely,

Sandra Ezzel, Manager
Air Quality Program Planning Section

cc: File

Enclosures

- Public Hearing Notice
- Proposed ACHD Request for Delegation of the Federal Plan for SSI

ALLEGHENY COUNTY HEALTH DEPARTMENT • AIR QUALITY PROGRAM
3101 20TH STREET BUILDING #7 • PITTSBURGH, PA 15203-1811
PHONE: (412) 576-9100 • FAX: (412) 576-1444



July 20, 2017

Mr. Krishnan Ramamurthy, Director
Bureau of Air Quality
Department of Environmental Protection
Rachel Carson Building
400 Market Street
P O Box 8468
Harrisburg, PA 17105-8468

Dear Mr. Ramamurthy:

Enclosed is the Allegheny County Health Department's proposed Request for Delegation of Authority to Implement the Federal Plan for Sewage Sludge Incineration (SSI) Units, and a Notice of Public Hearing on same.

This Request for Delegation is being tracked internally under our Revision Tracking Number 85

The public comment period begins July 26, 2017 and concludes August 30, 2017. The public hearing will be held August 25, 2017. Your comments are welcome.

Sincerely,

Sandra Etzel, Manager
Air Quality Program Planning Section

cc: Kirit Dalal
Steve Hepler

Enclosures

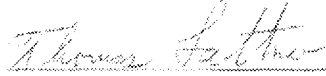
- Public Hearing Notice
- Proposed ACHD Request for Delegation of the Federal Plan for SSI

ALLEGHENY COUNTY HEALTH DEPARTMENT • AIR QUALITY PROGRAM
301 50TH STREET BUILDING #7 • PITTSBURGH, PA 15201-1511
PHONE (412) 679-6103 • FAX (412) 679-8144

Request for Delegation of Authority to Implement the Federal Plan for SSI Units
(Revision Tracking 85)

Certification of Hearing

Thomas Lattner deposes and says that he is an Air Pollution Control Engineer in the Air Quality Program of the Allegheny County Health Department and hereby certifies that a Public Hearing was held on August 25, 2017 on the proposed Request for Delegation of Authority to Implement the Federal Plan for Sewage Sludge Incineration (SSI) Units; that the opportunity for written comments was given in accordance with the requirements 40 CFR §62.15865(a)(3) and of the methods of 40 CFR 51.102; that notice of such hearing was given by publication in a newspaper of general circulation on July 24, 2017; and to the best of his knowledge, belief and understanding, such proceedings were in full compliance with all applicable State and Federal laws, regulations, and other requirements.

 Date 9-1-2017
Thomas Lattner,
Air Pollution Control Engineer
Air Quality Program
Allegheny County Health Department

SUMMARY OF COMMENTS AND RESPONSES

for

Proposed Request for Delegation of Authority to Implement the Federal Plan for Sewage Sludge Incineration Units

Public Comment Period: July 26 to August 30, 2017

Public Hearing: August 25, 2017

Notice of the opportunity for public comment appeared in the legal section of the Pittsburgh Post-Gazette on July 24, 2017 and was carried by the ACHD website throughout the public comment period.

1. **Comment:** Given longstanding delays in the Department's administration of the Title V operating permit program, the Department does not appear to have adequate resources for implementing the federal plan for sewage sludge incineration units, either.

Commenter: Joseph Otis Minott, Esq., Clean Air Council.

Response: The Health Department believes that the resources, as described in Section II of the delegation request package, are adequate for implementing the federal plan for SSI units. The Department's Enforcement Section, oversees various programs demonstrating its capability to implement the federal plan for SSI units. The Department's request for delegation of authority is expected by the U.S. EPA. See 80 Fed. Reg. 23402, Table 2, Item VII.

2. **Comment:** Given the potential for County control over the Allegheny County Sanitary Authority, the Department does not appear to have sufficient legal authority to administer and enforce the federal plan for SSI units. To avoid the appearance of self-regulation, the Department should require the Authority to undergo an annual environmental compliance audit, prepared by an independent auditor, to be subject to public notice and comment

Commenter: Joseph Otis Minott, Esq., Clean Air Council.

Response: The Health Department believes that its legal authority, as described in Section III of the delegation request package, is adequate to administer and enforce the federal plan for SSI units. The Department has demonstrated in the past, and continues to demonstrate in the present, that it has the legal authority and the willingness to regulate ALCOSAN and other such Allegheny County authorities, including for example, the Allegheny County Airport Authority, and the Allegheny County Port Authority Transit Authority.